

## MODIFICATION P296

### SECTION F: MODIFICATION PROCEDURES (v19.0)

*Amend Section 1.1.3 to read as follows:*

- 1.1.3 Subject to paragraph 2.11.8, a modification of the Code shall take effect from the time and date specified in the notice referred to in paragraphs 1.1.2 and 6.3.3 or, in the absence of any such time and date, from 00:00 hours on the day next following the date of service of such notice to the Modification Secretary (without prejudice to the Implementation Date, ~~or the Self-Governance Implementation Date~~ or the Fast Track Self-Governance Implementation Date (as the case may be), if different).

*Amend Section 2.6.1 to read as follows:*

- 2.6.1 The provisions of this paragraph 2.6 shall apply if the Panel decides to submit a Modification Proposal to the Assessment Procedure pursuant to paragraph 2.2, ~~or~~ 2.5.9(b) or 7.3.4(c).

*Insert new Section 7 to read as follows:*

## **7. FAST TRACK SELF-GOVERNANCE**

### **7.1 Determination of Fast Track Self-Governance**

- 7.1.1 A Modification Proposal shall be treated as suitable for the fast track self-governance route (a "Fast Track Self-Governance Modification Proposal") where the Panel determines by unanimous vote that a Modification Proposal meets all of the Fast Track Self-Governance Criteria.

### **7.2 Implementation of Fast Track Self-Governance Modification Proposals**

- 7.2.1 A Fast Track Self-Governance Modification Proposal shall only be implemented pursuant to paragraph 7 where:

- (a) the Panel has unanimously determined that the Fast Track Self-Governance Modification Proposal should be implemented; and
- (b) no objections have been received pursuant to paragraph 7.3.

- 7.2.2 Within 1 Business Day after the Panel has made its determination under paragraph 7.2.1, the Modification Secretary shall send the Fast Track Self-Governance Modification Report to the Authority, the Transmission Company and each Party and publish it on the BSC Website.

- 7.2.3 Subject always to paragraph 7.3, following receipt of a Fast Track Self-Governance Modification Report pursuant to paragraph 7.2.2, the Transmission Company shall serve a notice of modification on the Modification Secretary signed by the Transmission Company in accordance with the determination of the Panel set out in the relevant Fast Track Self-Governance Modification Report and:

- (a) the Code shall be modified in accordance with the terms of such notice; and

- (b) the Modification Secretary shall send a copy of such notice to all the persons listed in paragraph 1.1.2(b).
- 7.2.4 The Fast Track Self-Governance Modification Report shall not specify a Fast Track Self-Governance Implementation Date (if any) earlier than 16 Business Days after the date of the notice under paragraph 7.2.2.
- 7.3 Objections to Fast Track Self-Governance Modification Proposals**
- 7.3.1 The Panel's determination in relation to a Fast Track Self-Governance Modification Proposal shall be implemented in accordance with paragraph 7.2.3 unless an objection is raised in accordance with paragraph 7.3.2.
- 7.3.2 Any of the persons specified in paragraph 7.2.2 may raise an objection to a determination of the Panel pursuant to paragraph 7.1.1 or 7.2.1 by:
- (a) notifying the Modification Secretary of the objection no later than 15 Business Days after the date of the notice sent under paragraph 7.2.2; and
  - (b) including in such objection notice an explanation of why the objecting person objects to the Modification Proposal including, where applicable, rationale for why the Modification Proposal does not satisfy all of the Fast Track Self-Governance Criteria.
- 7.3.3 Within 1 Business Day of receiving an objection notice the Modification Secretary shall notify each of the persons specified in paragraph 1.1.2 (b) that an objection has been raised in respect of that Fast Track Self-Governance Modification Proposal.
- 7.3.4 Where an objection is raised pursuant to paragraph 7.3 the Fast Track Self-Governance Modification Proposal shall not be implemented under paragraph 7 and the Panel shall:
- (a) determine that such Modification Proposal shall be progressed under paragraph 6 in which case:
    - (i) the Modification Proposal shall be deemed to be a Self-Governance Modification Proposal;
    - (ii) the Fast Track Self-Governance Modification Report shall be deemed to be a Self-Governance Statement; and
    - (iii) the provisions of paragraphs 6.3, 6.4 and (subject always to the provisions of paragraph 6) 2.7 shall apply in respect of that Modification Proposal; or
  - (b) determine that such Modification Proposal shall be progressed as further provided in paragraph 2.7 of this Section F; or
  - (c) determine that such Modification Proposal shall be progressed as further provided in paragraph 2.6 of this Section F.
- 7.3.5 Before making a determination in accordance with paragraphs 7.3.4(a) or 7.3.4(b) the Panel shall first make a determination as to whether the Modification Proposal better

facilitates the achievement of the Applicable BSC objectives when compared with the existing provisions of the Code.

## SECTION X: DEFINITIONS AND INTERPRETATION

### ANNEX X-1: GENERAL GLOSSARY (v55.0)

*Insert the following new definitions in alphabetical order:*

**"Fast Track Self-Governance Criteria":**

means a Modification Proposal which:

- (i) if implemented would satisfy the Self-Governance Criteria; and
- (ii) falls within the scope of Section F2.1.1(d)(iv) (without limiting the right of any person specified in paragraph 2.1.1 to propose a Fast Track Self-Governance Modification Proposal) and which is required to correct an error in the Code or as a result of a factual change, including but not limited to:
  - (a) updating names or addresses listed in the Code;
  - (b) correcting minor typographical errors;
  - (c) correcting formatting and consistency errors, such as paragraph numbering; or
  - (d) updating out of date references to other documents or paragraphs;

**"Fast Track Self-Governance Implementation Date":**

means in relation to a Fast Track Self-Governance Modification Proposal, the date with effect from which the Code is to be given effect as modified by that modification, as such date may be extended pursuant to Section F2.11.7;

**"Fast Track Self-Governance Modification Proposal":**

has the meaning given to that term in Section F7.1.1;

**"Fast Track Self-Governance Modification Report":**

means in relation to a Fast Track Self-Governance Modification Proposal, a report finalised by the Modification Secretary including:

- (i) a description of the Proposed Modification;
- (ii) a statement that the Panel has determined that the Proposed Modification meets all of the Fast Track-Self Governance Criteria together with any rationale provided by the Panel in reaching its determination;
- (iii) details of how to object to the Proposed Modification being implemented under Section F7.2;

- (iv) the proposed text to modify the Code in order to give effect to the Fast Track Self-Governance Modification Proposal; and
- (v) the proposed Fast Track Self-Governance Implementation Date;